

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

DANIEL SCOTT PETERSON,

Appellant,

Case No. 19-cv-1051-pp

v.

HERBERT J. CUENE, JR.,
and DC DOCKS AND BOATLIFTS, INC.,

Appellees.

**ORDER DENYING APPELLANT’S MOTION TO STRIKE RESPONSES TO
BRIEF IN CHIEF, COUNSELS MOTION TO DISMISS APPEAL (DKT. NO. 11)
AND DENYING AS MOOT APPELLANT’S NOTICE OF MOTION AND MOTION
TO STRIKE RESPONSES TO BRIEF IN CHIEF, COUNSELS MOTION TO
DISMISS APPEAL REQUESTING COURT DATE (DKT. NO. 12)**

In this bankruptcy appeal, the appellant—representing himself—has filed two motions to strike. Dkt. Nos. 11, 12. In his “Motion to Strike Responses to Brief in Chief, Counsels Motion to Dismiss Appeal,” the appellant asks the court to strike the appellees’ response to his brief in chief (dkt. no. 8) and the appellees’ motion to dismiss the appeal (dkt. no. 10). Dkt. No. 11. The motion argues the merits of the appellee’s responses. *Id.* at 2-8.

The court will deny the petitioner’s first motion; he has not provided—and the court is not aware of—any reason to strike the appellees’ response brief or their motion to dismiss. The appellant disagrees with the arguments the appellees make in their filing. That is his right. But it is not appropriate for a party to argue the *merits* of his appeal through a motion to strike. The appropriate response is for the appellant to file an opposition brief, addressing the appellee’s arguments directly. Federal court procedures do not allow a

court to strike a pleading simply because the party against whom it is filed disagrees with it.

In his “Notice of Motion and Motion to Strike Responses to Brief in Chief, Counsels Motion to Dismiss Appeal Requesting Court Date,” the appellant requests a hearing on the first motion to strike. Dkt. No. 12. Because the court is denying the first motion, it will deny as moot the appellant’s request for a hearing on that motion.

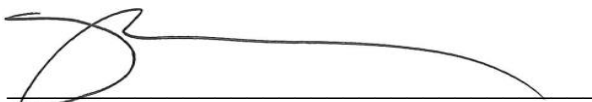
The court **DENIES** the appellant’s motion to strike responses to brief in chief, counsels motion to dismiss appeal. Dkt. No. 11.

The court **DENIES AS MOOT** the appellant’s notice of motion and motion to strike responses to brief in chief, counsels motion to dismiss appeal requesting court date. Dkt. No. 12.

The court **ORDERS** that if the appellant wants to oppose the motion to dismiss (dkt. no. 10), he must file a brief in opposition in time for the court to receive it by the end of the day on **September 4, 2020**. If the appellant does not file a brief in opposition by that deadline, the court will decide the motion to dismiss without the appellant’s input. The court **ORDERS** that if the appellees choose to file a reply brief in support of their motion to dismiss, they may do so by the end of the day on **September 18, 2020**.

Dated in Milwaukee, Wisconsin this 20th day of August, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge